

United States
Circuit Court of Appeals
For the Ninth Circuit.

CHARLES WEDEL,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Transcript of Record.

Upon Writ of Error to the Northern Division of the
United States District Court of the
Northern District of California,
Second Division.

FILED
MAY 8 - 1924
P. D. WOODRUFF

United States
Circuit Court of Appeals
For the Ninth Circuit.

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INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS
OF RECORD.

For CHARLES WEDEL, Plaintiff in Error:
MORRIS OPPENHEIM and BENJ. I.
BLOCH, Phelan Building, San Francisco,
Calif.

For the UNITED STATES, Defendant in Error:
JOHN T. WILLIAMS, U. S. Attorney, Post-
office Bldg., San Francisco, Calif.

In the Northern Division of the United States
District Court for the Northern District of
California, Third Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,
Complainant,

vs.

CHARLES WEDEL et al.,
Defendants.

INFORMATION IN CHANCERY.

The United States of America by John T. Williams, United States Attorney for the Northern District of California, and Garton D. Keyston, Assistant United States Attorney, represents to your Honor as follows:

That the above-entitled action was commenced on the 27th day of January, 1923, by the filing of

a bill in equity in the office of the Clerk of the United States District Court for the Northern District of California, Northern Division, in the name of and on behalf of the United States by John T. Williams, Esq., United States Attorney and Garton D. Keyston, Esq., Assistant United States Attorney for the Northern District of California, seeking to abate and enjoin a certain common and public nuisance, namely, the violation of Section 21 of Title II of the Act of Congress of October 28, 1919, known as the National Prohibition Act which was then and there alleged to exist in a certain hotel, known and designated as the "Speedway Hotel," in the city of Cotati, county of Sonoma, State of California, and more particularly described as follows, to wit:

"BEGINNING at the Northwest corner of Lot No. 12 in Block No. 4 of Subdivision No. 6 of the Cotati Rancho as designated on the plat of said subdivision filed in the office of the County Recorder of Sonoma County on the Seventh day of June, 1893, thence [1*] Southerly along the line between lots 12 and 13, 50 feet to the Northwest corner of lot No. 11, thence Easterly along the line between lots 11 and 12, 21 feet; thence Northerly and parallel to the Westerly line of said Lot 12, 50 feet to the Northerly line of said Lot 12; thence Westerly along the Northerly line of said lot 12, 21 feet, to the point of beginning. Being the Westerly 21 feet of said Lot No.

*Page-number appearing at foot of page of original Certified Transcript of Record.

12, in Block No. 4 of the Subdivision No. 6, Cotati Rancho." Recorded June 7, 1918, in Liber 359 of Deeds, on page 462. On June 14, 1922, John Chaney deeded this piece to Walter S. Woolery and wife, by deed recorded June 14, 1922, in Liber 19 of Official Records, page 8."

Said bill in equity alleges that the defendant Charles Wedel is the owner of the said real property and buildings situated on said property and that the defendant Charles Wedel was the owner of the business conducted on the said premises and that the said nuisance and the violation of the said Act of Congress of October 28, 1919, consisted in the use and maintenance of the said premises as a place where intoxicating liquors containing more than one-half of one per cent or more of alcohol by volume and fit for use for beverage purposes were manufactured, sold, kept or bartered.

That upon the filing of the said bill in equity as aforesaid, a subpoena was duly issued by the said United States District Court for the Northern District of California directed to the said defendants herein.

That on the 31st day of January, 1923, and subsequent to the filing of said bill in equity herein, the Honorable William C. Van Fleet, Judge of the United States District Court for the Northern District of California, upon affidavit showing the violation of said Act upon said premises made an order that a temporary writ of injunction should issue restraining and enjoining the defendants,

their agents, servants, representatives, managers, employees, and all others as prayed for in said bill of complaint; that in pursuance of such an order a temporary writ of injunction was issued on the 31st day of January, 1923, by the Clerk of said Court and under the seal of said Court; that the [2] said order and said temporary writ of injunction and each of them contain the following provisions:

“Pending the final hearing and determination of the trial of the above-entitled action, you and each of you, your agents, servants, representatives, managers and employees and all others are restrained and enjoined from manufacturing, keeping, selling or bartering any intoxicating liquor as defined in Section 1 of Title II of the Act of October 28, 1919, to wit, the National Prohibition Act in or upon the premises described in the Bill of Complaint wherein said nuisance is alleged to exist, and from removing or in any way interfering with the liquor, furniture and fixtures or other things in or upon said premises used, kept or maintaining in or in connection with the manufacturing, selling, keeping or bartering of such liquor, and from conducting or in any way permitting the continuance of a common and public nuisance upon said premises.”

That as appears on the marshal's return on file in the above-entitled action said subpoena and said temporary writ of injunction were personally

served upon Charles Wedel, on the 20th day of February, 1923, and subsequent to the filing of said bill in equity herein, the Honorable William C. Van Fleet, Judge of the United States District Court for the Northern District of California, made an order for posting of temporary writ of injunction upon said premises, and pursuant to said Order two certified copies of said temporary writ of injunction were posted upon said premises in two conspicuous places on the 20th day of February, 1923, as appears by said marshal's return on file herein.

That according to the affidavit of C. W. Ahlin, Federal Prohibition Agent in the employ of the Government of the United States and acting as such in the capacity of the Federal Prohibition Agent in the Department and under the direction of the United States Commissioner of Internal Revenue and Federal Prohibition Director in and for the State of California attached hereto and marked Exhibit "A" and made a part of this petition as if the same were set forth herein in full, Charles Wedel on the 20th day of January, 1924, in violation of the provisions of said Temporary Writ of Injunction hereinbefore set forth, [3] continued or permitted a continuance of the common nuisance in the said premises above described by selling intoxicating liquor containing one-half of one per cent or more of alcohol by volume and fit for use for beverage purposes, to wit, whiskey;

Your petitioner is informed and believes that Charles Wedel is the proprietor of the business

conducted upon the said premises and therefore alleges: That Charles Wedel had knowledge of the temporary writ of injunction heretofore mentioned because of the posting of the said temporary writ of injunction upon the said premises by the United States Marshal as hereinbefore stated.

Your petitioner, therefore, prays for the issuance by this Court or by a Judge thereof, of a warrant for the arrest of said Charles Wedel, to the end that the defendants may be summarily tried and punished for said wilful violation of the temporary writ of injunction above referred to and filed herein as hereinbefore set forth as provided by Section 21 of Title II of said National Prohibition Act.

JOHN T. WILLIAMS,

United States Attorney.

GARTON D. KEYSTON,

Asst. United States Attorney. [4]

United States of America,
Northern District of California,
City and County of San Francisco,—ss.

Garton D. Keyston, being first duly sworn, deposes and says:

That he has read the foregoing information chancery and knows the contents thereof and that the facts stated therein are true of his own knowledge except as to those matters as are therein stated upon his information or belief and as to those matters he believes it to be true; that the source of his information and belief are investigations made by him in his official capacity and inter-

That he is and at all times herein mentioned was, in the employ of the government of the United States and acting as such in the capacity of Federal Prohibition Agent in the Department and under the direction of the United States Commissioner of Internal Revenue and Federal Prohibition Director in and for the State of California located at and in the city and county of San Francisco, State of California; affiant further says that on the 20th day of January, 1924, A. D., at about the hour of — o'clock, P. M. said affiant entered the hotel and cafe known as and called Speedway Hotel, then and there located at Cotati, in the said city of Cotati, County of Sonoma, State of California, which said hotel and cafe is located on the premises described in the bill of equity to which this affidavit is attached and which said premises are located in said city of Cotati, county of Sonoma and State of California; affiant further says that said premises at all the times herein mentioned were and now are equipped as a hotel and cafe with table, chairs and such other equipment as is ordinarily and commonly used in a hotel and cafe in the said city of Cotati, County of Sonoma, State of California; and affiant then and there asked for and received of and from the waiter then and there in possession, charge and control of the said premises and said waiter being then and there serving in said premises, four drinks of whiskey on the above date then and there containing one-half of one per cent or more of alcohol and fit for use and used by affiant for beverage purposes, and said

**ORDER FOR TEMPORARY WRIT OF IN-
JUNCTION.**

AND NOW, on this 31st day of January, 1923, A. D. this cause comes on to be heard upon the bill of complaint of complainant heretofore filed in the office of the Clerk of this Court, and upon the affidavits of G. L. Budd and C. A. Budd, duly filed in open court, and it appearing to the satisfaction of the Court by inspection of the bill of complaint and said affidavits, and otherwise, that a nuisance exists as set out and described in said bill of complaint, on the premises therein mentioned, described and referred to

IT IS THEREFORE AND HEREBY ORDERED THAT, pending the final hearing and determination of the trial of the above-entitled action, the defendants above named and each of them, their agents, servants, representatives, managers and employees and all others are restrained and enjoined from manufacturing, keeping, selling or bartering any intoxicating liquor as defined in Section 1 of Title II, of the Act of October 28, 1919, to wit, the "National Prohibition Act" in or upon the premises described in the Bill of Complaint wherein said nuisance is alleged to exist, and from removing or in any way interfering with the liquor, furniture and fixtures or other things [8] in or upon said premises used, kept or maintained in or in connection with the manufacturing, selling, keeping or bartering of such liquor, and from conducting or in any way permitting the

continuance of a common and public nuisance upon said premises.

It is further ordered that a temporary writ of injunction issue in accordance herewith.

WM. C. VAN FLEET,
Judge.

[Endorsed]: Filed Jan. 31, 1923. Walter B. Maling, Clerk. By Thomas J. Franklin, Deputy Clerk. [9]

In the Northern Division of the United States District Court, for the Northern District of California, Second Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,
Complainant,

vs.

CHARLES WEDEL, JOHN DOE, RICHARD
ROE, MARY DOE and MARY ROE,
Defendants.

WRIT OF INJUNCTION.

The President of the United States of America,
To Charles Wedel, John Doe, Richard Roe,
Mary Doe and Mary Roe, GREETING:

WHEREAS, on the 31st day of January, 1923, an order was made and entered in the above-entitled suit wherein and whereby the above-named defendants and each of them, their and each of their lessees, grantees, servants, agents, subordi-

nates and employees, and each of them, and all others, were enjoined from doing any of the acts and or things as set forth in said order:

NOW, THEREFORE, in accordance with the terms of said ORDER,

We hereby command and strictly enjoin you, the said defendants, Charles Wedel, John Doe, Richard Roe, Mary Doe and Mary Roe, that until further order of the above-named court, you and each of you, your agents, servants, representatives, managers and employees and all others are restrained and enjoined from removing, disfiguring or in any way covering up or interfering with any certified copies of any writ or order issued in the above-entitled action and posted in or upon the following described premises, to wit:

Being the hotel known and designated as Speedway Hotel in the city of Cotati, county of Sonoma, State of California, and which said hotel and the place where the common and public nuisance is being conducted is also known as the "Speedway Hotel" and being located upon and being a portion of that certain lot, piece or parcel of land, described as follows, to wit: [10]

BEGINNING at the Northwest corner of Lot No. 12 in Block No. 4 of Subdivision No. 6 of the Cotati Rancho as designated on the plat of said Subdivision filed in the office of the County Recorder of Sonoma County on the Seventh day of June, 1893, thence Southerly along the line between lots 12 and 13, 50 feet to the Northwest corner of lot No. 11, thence Easterly along the line between lots 11 and 12, 21 feet; thence

Northerly and parallel to the Westerly line of said lot 12, 50 feet to the Northerly line of said lot 12; thence Westerly along the Northerly line of said lot 12, 21 feet to the point of beginning. Being the Westerly 21 feet of said Lot No. 12 in Block No. 4 of Subdivision No. 6, "Cotati Rancho." Recorded June 7, 1918, in Liber 359 of Deeds, on page 462. On June 14, 1922, John Chaney deeded this piece to Walter S. Woollery and wife by deed recorded June 14, 1922, in Liber 19 of Official Records page 8.

WITNESS, the Honorable WILLIAM C. VAN FLEET, Judge of the said District Court, this 31st day of January, A. D. 1922, and of our Independence the 147th.

[Seal]

WALTER B. MALING,
Clerk.

By Thomas J. Franklin,
Deputy Clerk. [11]

RETURN ON SERVICE OF WRIT.

United States of America,
Northern District of California—ss.

I hereby certify and return that I served the annexed Writ of Injunction on the therein-named Charles Wedel by handing to and leaving a true and correct copy thereof with Charles Wedel personally at Cotati, Calif., in said District on the 10th day of Feby., A. D. 1923.

J. B. HOLOHAN,
U. S. Marshal.

By Fred S. Field,
Deputy.

[Endorsed]: Filed Feb. 20, 1923. Walter B. Maling, Clerk. By Thomas J. Franklin, Deputy Clerk. [12]

In the Northern Division of the United States District Court for the Northern District of California, Third Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,

Complainant,

vs.

CHARLES WEDEL et al.,

Defendants.

ORDER FOR ATTACHMENT.

On reading and filing the information in chancery in the above-entitled cause, together with the affidavit of C. W. Ahlin attached thereto, and it appearing that Charles Wedel has violated the temporary injunction issued on the 31st day of January, 1923, by the Clerk of this Court and under the seal of this court, now on motion of Garton D. Keyston, Esq., Assistant United States Attorney, one of the attorneys for the complainant above named,

IT IS HEREBY ORDERED AND DIRECTED that a warrant of attachment as for a contempt for disobedience of said temporary injunction be issued to the United States marshal for the Northern Division of the Northern District of California, against the said Charles Wedel, and that the said warrant of attachment be returnable forthwith.

AND IT IS FURTHER ORDERED that the said Charles Wedel, upon the return on said warrant of attachment, show cause, if any he has why he should not be punished for contempt of court in violating the said temporary injunction. Bond \$1000.

Dated: Feb. 26, 1924.

BOURQUIN,
United States District Judge.

[Endorsed]: Filed Feb. 28, 1924. Walter B. Maling, Clerk. By F. M. Lampert, Deputy Clerk.
[13]

In the Northern Division of the United States
District Court for the Northern District of
California, Third Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,
Complainant,
vs.
CHARLES WEDEL et al.,
Defendants.

ATTACHMENT WRIT.

United States of America,
Northern District of California,—ss.
The President of the United States of America,
To the United States Marshal for the Northern
District of California and to His Deputies or
Any or Either of Them.
You are hereby commanded to arrest Charles

Wedel, and have his body before me at the court-room of the above-entitled court forthwith to answer for an alleged contempt in violating the temporary injunction heretofore on the 31st day of January, 1923, issued in the above-entitled cause and further to abide and perform such order as the Court shall then and there make, whereof fail not; and have you then and there return of this attachment with your doings thereon endorsed.

WITNESS, the Honorable GEORGE M. BOURQUIN, Judge of the said District Court, this 28th day of February, A. D. 1924, and of our Independence the 148th.

WALTER B. MALING,
Clerk.

By F. M. Lampert,
Deputy Clerk. [14]

UNITED STATES MARSHAL'S RETURN.

I hereby certify and return that I received the within Writ at San Francisco, California, on March 5th, 1924, and executed the same by apprehending the within-named respondent Charles Wedel at Cotati, Sonoma County on March 5th, 1924, and placed him in the county jail of Sonoma County at Santa Rosa, California, on the same day.

And that on March 6th, 1924, I produced the said Charles Wedel before the United States District Court at Sacramento, California, as I am commanded herein to do.

FRED L. ESOLA,
U. S. Marshal, Northern District of California.
By Jno. J. Donnelly,
Salaried Deputy.

[Endorsed]: Filed Mar. 8, 1924. Walter B. Mal-
ing, Clerk. By F. M. Lampert, Deputy Clerk.
[15]

Tuesday, March 18, 1924.

Court met pursuant to adjournment and was
duly opened for the transaction of business.

Present: The Honorable JOHN S. PARTRIDGE,
District Judge; WALTER B. MALING, Clerk;
FRED L. ESOLA, U. S. Marshal; EDWARD
DRYDEN, Bailiff; J. F. McDONALD, Asst.
U. S. Attorney.

No. 106.

UNITED STATES

vs.

CHARLES WEDEL.

MINUTES OF COURT—MARCH 18, 1924—
TRIAL.

J. Fred McDonald, Esq., Assistant U. S. Attor-
ney, and the respondent, Charles Wedel, with his
attorney, Morris Oppenheim, Esq., being present
in open court, the hearing on the charge of con-
tempt came on. Thereupon attorney for respond-
ent moved to dismiss the temporary writ of in-
junction and information and, after arguments,
said motion being submitted and fully considered,
ORDERED said motion be and the same is hereby
denied. The respondent was arraigned upon the
information herein and entered his plea of not

guilty. The Government introduced in support of the charge the affidavit heretofore filed and the defendant offered no evidence. The Court found the respondent, Charles Wedel, guilty, and ordered that the respondent be imprisoned for a period of six (6) months in the county jail, Sonoma County, California, and pay a fine in the sum of Five Hundred (\$500.00) Dollars, or in default of the payment of said fine that he be further imprisoned for a period of five (5) months in said county jail.

FURTHER ORDERED that motion for ten-day stay of execution to prepare appeal be granted, and bond on stay of execution fixed in the sum of, One Thousand (\$1000.00) Dollars. [16]



In the Northern Division of the United States District Court for the Northern District of California, Second Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,

Complainant,

vs.

CHARLES WEDEL, JOHN DOE, RICHARD
ROE, MARY DOE, and MARY ROE,

Defendants.

PETITION FOR WRIT OF ERROR.

Comes now the above-named Charles Wedel and says, that on the 18th day of March, 1924, judg-

ment was entered by this court against the said Charles Wedel, and on the said 18th day of March, 1924, said judgment became final; that the said Charles Wedel was and is agreed in that, in said judgment and the proceedings had prior thereto in this case certain errors were committed to his prejudice; that this is a suit in equity brought under and by virtue of section 22 of Title II of the Act of Congress of October 28th, 1919, known as the "National Prohibition Act" and for the purpose of enjoining a certain public and common nuisance; pending the final hearing and determination of the trial of the above-entitled action a writ of injunction was issued out of this court enjoining the defendants from manufacturing, keeping, selling or bartering any intoxicating liquor as defined in said "National Prohibition Act"; that thereafter said Charles Wedel was cited for the alleged contempt in violating the said writ of injunction, and was convicted by the said Court of said contempt, and judgment was duly entered herein; that the judgment and decision of this Court is against the rights claimed by the said Charles Wedel, and as he believes contrary to the Constitution of the United States of America, and contrary to the law [17] relating to the said abatement of nuisances, all of which will more fully appear in detail in the assignment of errors filed herein.

WHEREFORE said Charles Wedel prays that the writ of error may issue to the United States Circuit Court of Appeals for the Ninth Circuit, for the correcting of the error complained of, and

that a duly authenticated transcript of the record, proceedings, and papers herein may be sent to the United States Circuit Court of Appeals for the Ninth Circuit.

MORRIS OPPENHEIM,
BENJAMIN I. BLOCH,
Attorneys for Charles Wedel.

[Endorsed]: Filed Mar. 25, 1924. Walter B. Maling, Clerk. By F. M. Lampert, Deputy Clerk.
[18]

In the Northern Division of the United States District Court for the Northern District of California, Second Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,
Complainant,
vs.

CHARLES WEDEL, JOHN DOE, RICHARD
ROE, MARY DOE and MARY ROE,
Defendants.

ALLOWANCE OF A WRIT OF ERROR.

Comes now Charles Wedel, the plaintiff in error above named, on this 25th day of March, 1924, and files and presents to this court his petition for the allowance of a writ of error intended to be urged by him and praying further that a duly authenticated transcript of the records, proceedings and papers upon which the judgment was rendered

may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may be just and proper, and upon the consideration of the said petition this court desiring to give petitioner an opportunity to test in the United States Circuit Court of Appeals for the Ninth Circuit the questions herein presented, it is ordered by this court that a writ of error be allowed as prayed, provided however that the said Charles Wedel, plaintiff in error, give bond in the sum of One Thousand (\$1000.00) Dollars, which bond shall operate as a bail bond on appeal.

In testimony whereof witness my hand this 25th day of March, 1924.

JOHN S. PARTRIDGE,
District Judge.

[Endorsed]: Filed Mar. 25, 1924. Walter B. Maling, Clerk. By F. M. Lampert, Deputy Clerk.
[19]

In the Northern Division of the United States
District Court for the Northern District of
California, Second Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,
Complainant,

vs.

CHARLES WEDEL, JOHN DOE, RICHARD
ROE, MARY DOE, and MARY ROE,
Defendants.

ASSIGNMENT OF ERRORS.

Comes now Charles Wedel, the plaintiff in error, in the above-entitled cause, and avers and shows that in the record and proceedings in the said cause, the District Court in and for the Northern Division of the Northern District of California, Second Division, erred to the grievous injury and wrong of the plaintiff in error herein, and to the prejudice and against the rights of said plaintiff in error in the following particulars, to wit:

1. That the Court erred in denying the motion of the plaintiff in error to dismiss the citation against said plaintiff in error for contempt in the alleged violation of said writ of injunction.

2. That the Court erred in denying the motion of said plaintiff in error to dismiss all proceedings had under said citation for contempt.

3. That the Court erred in finding said plaintiff in error guilty of contempt in the alleged violation of said writ of injunction.

4. That the judgment of, and fine and imprisonment imposed upon said plaintiff in error, is void and in violation of the Constitution of the United States of America and contrary to law.

WHEREFORE for these and other manifest errors appearing on the record, the said Charles Wedel, plaintiff in [20] error, prays that the said judgment of the Northern Division of the United States District Court for the Northern District of California, Second Division, be reversed and set aside, and held for naught, and

that judgment be rendered for plaintiff in error granting him his rights under the Constitution and laws of the United States, and plaintiff in error also prays for his costs.

MORRIS OPPENHEIM,
BENJAMIN I. BLOCH,

Attorneys for Plaintiff in Error, Charles Wedel.

[Endorsed]: Filed Mar. 25, 1924. Walter B. Maling, Clerk. By F. M. Lampert, Deputy Clerk.
[21]

In the Northern Division of the United States
District Court for the Northern District of
California, Northern Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES WEDEL, JOHN DOE, RICHARD
ROE, MARY DOE and MARY ROE,

Defendants.

APPEAL BOND.

KNOW ALL MEN BY THESE PRESENTS:
That I, Charles Wedel as principal, am held and firmly bound and acknowledge myself to owe the United States of America the sum of One Thousand (\$1000) Dollars to be levied on certain Liberty Bonds deposited this day with the United States Commissioner for the Northern District of Cali-

fornia, Northern Division at Sacramento, to which payment well and truly to be made, I join myself, my heirs, executors and administrators by these presents.

Sealed with my seal and dated this 18th day of March in the year of our Lord one thousand nine hundred and twenty-four.

Whereas lately, to wit: on the 18th day of March, 1924, in the District Court of the United States for the Northern District of California, Northern Division, in a suit pending in said court between the United States of America, plaintiff, and Charles Wedel, defendant, a judgment and sentence was rendered against the said Charles Wedel, and the said Charles Wedel has been granted one week from the date hereof, to prefer an appeal and to obtain a writ of error from the United States Circuit Court of Appeals for the Ninth Circuit, to reverse the judgment and sentence in the aforesaid suit, and to obtain a citation directed to the United States of America citing and admonishing the United States of America to be and appear in [22] the United States Circuit Court of Appeals for the Ninth Circuit at the city of San Francisco, California, sixty days from and after the date of said citation.

Now, the condition of the above obligation is such that if the said Charles Wedel shall appear either in person or by attorneys in the United States Circuit Court of Appeals for the Ninth Circuit on such a day or days as may be appointed for the hearing of said cause in said court and

prosecute his said writ of error and shall abide by and obey all orders made by the United States Circuit Court of Appeals for the Ninth Circuit in the said cause, and shall surrender himself in the execution of the judgment and sentence appealed from, as said court may direct, if the judgment and sentence against him shall be affirmed or the writ of error or appeal is dismissed; and if he shall appear for sentence or for the execution of the judgment and sentence hereinbefore imposed in the District Court of the United States in and for the Northern District of California, Northern Division, on such day or days as may be appointed for retrial, or the execution of the said judgment and sentence by the said District Court and abide by and obey all orders made by the said court provided the judgment and sentence against him shall be reversed by the United States Circuit Court of Appeals for the Ninth Circuit, then the above obligation is to be void; otherwise to remain in full force, virtue and effect.

CHAS. H. WEDEL, (Seal)

Address: Cotati, Cal.

Signed, sealed and acknowledged before me and approved this 18th day of March, 1924.

[Seal]

QUINCY BROWN,

United States Commissioner for the Northern District of California, at Sacramento.

[Endorsed]: Filed Mar. 19, 1924. Walter B. Maling, Clerk. By F. M. Lampert, Deputy Clerk.

CERTIFICATE OF CLERK U. S. DISTRICT
COURT TO TRANSCRIPT OF RECORD.

I, Walter B. Maling, Clerk of the United States District Court, for the Northern District of California, do hereby certify that the foregoing 23 pages, numbered from 1 to 23, inclusive, contain a full, true and correct transcript of certain records and proceedings in the case of United States of America vs. Charles Wedel, et al., No. 106—In Equity, as the same now remain on file and of record in this office; said transcript having been prepared pursuant to and in accordance with the praecipe for transcript of record filed in said case.

I further certify that the cost of preparing and certifying the foregoing transcript on writ of error is the sum of Six and 25/100 (\$6.25) Dollars, and that the same has been paid to me by the attorney for the plaintiff in error herein.

Annexed hereto are the original writ of error, return to writ of error and the original citation on writ of error.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said District Court, this 21st day of April, A. D. 1924.

[Seal]

WALTER B MALING,
Clerk.

By F. M. Lampert,
Deputy Clerk. [24]

In the Northern Division of the United States
District Court for the Northern District of
California, Second Division.

IN EQUITY—No. 106.

UNITED STATES OF AMERICA,
Complainant,

vs.

CHARLES WEDEL, JOHN DOE, RICHARD
ROE, MARY DOE and MARY ROE,
Defendants.

WRIT OF ERROR.

United States of America,—ss.

The Honorable CALVIN COOLIDGE, President
of the United States of America: To the
Honorable Judge of the Northern Division of
the United States District Court, for the North-
ern District of California, Second Division,
GREETING:

Because in the records and proceedings and also
in the rendition of a judgment before you at Sacra-
mento, California, on the 18th day of March, 1924,
between the United States of America, plaintiff,
and Charles Wedel, defendant, a manifest error
has happened to the great damage of the said
Charles Wedel, as by his petition for a writ of
error he alleges, we, willing that error, if any has
been, should be duly corrected, and full and speedy
justice done to the parties aforesaid in this behalf
do command you, if judgment be therein given

California, sixty (60) days from and after the date this citation bears date, pursuant to a writ of error filed in the Clerk's Office of the Northern Division of the United States District Court, in and for the Northern Division of California, Second Division, wherein Charles Wedel is plaintiff in error, and you are defendant in error, to show cause if any there be, why the said judgment and sentence rendered against the said Charles Wedel, plaintiff in error, as in said writ of error mentioned should not be corrected, and why speedy justice should not be done to the parties in that behalf;

WHEREAS lately at the March term, 1924, of the Northern Division of the United States District Court for the Northern District of California, Second Division, the Honorable JOHN S. PART-
RIDGE has heretofore set his hand on the 25th day of March, 1924.

JOHN S. PARTRIDGE,

Judge of the Northern Division of the United States
District Court, in and for the Northern Dis-
trict of California, Second Division.

Due service of the within citation and receipt of copy thereof admitted this 25th day of March, 1924.

JOHN T. WILLIAMS,

United States Attorney.

By J. F. McDONALD,

Assistant United States Attorney.

[Endorsed]: No. 106—In Equity. In the North-
ern Division of the United States District Court
for the Northern District of California, Second

Division. United States of America, Complainant, vs. Charles Wedel, John Doe, Richard Roe, Mary Doe and Mary Roe, Defendants. Citation on Writ of Error. Filed Mar. 25, 1924. Walter B. Maling, Clerk. By F. M. Lampert, Deputy Clerk. [28]

[Endorsed]: No. 4247. United States Circuit Court of Appeals for the Ninth Circuit. Charles Wedel, Plaintiff in Error, vs. United States of America, Defendant in Error. Transcript of Record. Upon Writ of Error to the Northern Division of the United States District Court of the Northern District of California, Second Division.

Received April 22, 1924.

F. D. MONCKTON,
Clerk.

Filed May 1, 1924.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.